

ORDINANCE _____

**A ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF
MANCHESTER, STATE OF GEORGIA, TO AMEND CHAPTER 50 ("OFFENSES
AND MISCELLANEOUS PROVISIONS") OF THE CODE OF ORDINANCES, CITY
OF MANCHESTER, GEORGIA BY ADDING A NEW SECTION 50-6 TO BE
TITLED "PROHIBITION ON THE USE, SALE, OR DELIVERY OF CERTAIN
DANGEROUS SUBSTANCES"**

WHEREAS, the City of Manchester, Georgia has been informed about the growing presence of potentially dangerous substances affecting the public health, safety and welfare of the citizens, particularly the youth, of the City; and

WHEREAS, in response to these warnings, the Mayor and City Council of Manchester, Georgia have been provided information indicating that this threat is presented in the form of products sold or distributed as a mixture of dried vegetation that – when covered, sprayed or mixed with certain specific chemicals – produces the physiological and psychological effects of a controlled substance such as marijuana; and

WHEREAS, such substances are reported to cause hallucinations, vomiting, agitation, panic attacks, tachycardia, elevated blood pressure, pallor, numbness and tingling, disorientation, loss of time awareness and, in some cases, tremors and seizures; and

WHEREAS, these substances are generally described as synthetic cannabinoids or salvia divinorum distributed, sold and marketed under such names as "K-2", "K-2 SUMMIT", "GENIE", "DASCENTS", "ZOHAI", "SAGE", "SPICE", "KO KNOCKOUT 2", "SPICE GOLD", "SPICE DIAMOND", "YUCATAN FIRE", "SOLAR FLARE", "PEP SPICE", "FIRE N' ICE", "BLACK MAGIC SMOKE", "SALVIA DIVINORUM", "EXTREME POTPOURRI", "PHAT CAT"; and

WHEREAS, these substances described above may be marketed as incense but are commonly being used as an alternative to marijuana, which is an identified and documented controlled substance, the sale and use of which is prohibited under the laws of the State of Georgia and of the United States; and

WHEREAS, these synthetic cannabinoid substances may be presented under a variety of street names but share common ingredients including JWH018 and JWH073; and

WHEREAS, salvia divinorum contains the ingredient known as salvinorum A; and

WHEREAS, these unregulated synthetic cannabinoids and salvia divinorum produce a very potent, intoxicating effect which is estimated by the medical community to produce effects ranging from three to one hundred times greater and more potent than THC, the active ingredient in marijuana; and

WHEREAS, the substances identified above manifest all of the demonstrated attributes of substances that deprive persons of judgment, coordination and the ability to conduct themselves in a safe and appropriate manner in modern society; and

WHEREAS, the available medical and law enforcement information on these products indicate that person(s) under the effects of these substances may be a clear and present danger to themselves and others.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of Manchester, Georgia do hereby amend Chapter 50 ("Offenses and Miscellaneous Provisions") by adding a new Section 50-6 ("Prohibition on the Use, Sale, or Delivery of Certain Dangerous Substances"), as follows:

Sec. 50-6. Prohibition on the use, sale, or delivery of certain dangerous substances.

(a) The following words as used in this section shall have the following meanings:

Person shall mean an individual, corporation, partnership, wholesaler, retailer or any licensed or unlicensed business.

Banned Smoking Product shall mean any substance whether described as tobacco herbs, incense spice, aromatherapy incense, or aromatic substance that may cause a sense of euphoria, novelty aromatic, or any blend thereof – regardless of whether the substance is marketed for the purpose of being smoked – which includes, but is not limited to, any one or more of the following chemicals:

- (1) *Salviadinorum* or *salvinorum A*, all parts of the plant presently classified botanically as *salvia divinorum* whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture, or preparation of such plant, its seeds or extracts;
- (2) 2-[1R,3S]-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol (also known as CP47,497) and homologues;
- (3) (6aR, 10aR)- 9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a - tetrahydrobenzo[c]chromen-1-ol, some other trade or other names: HU-210;
- (4) 1-Pentyl-3-(1-naphthoyl)indole, some trade or other names: JWH-018;
- (5) 1-Butyl-3-(1-naphthoyl)indole, some trade or other names: JWH-073;
- (6) (4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone, some trade or other names: JWH-081;
- (7) Any non-prescription or other substance not prescribed by a physician whose affects mimic those of marijuana; or

(8) Products containing some or all of the above substances that are currently being marketed under the following commercial names: "K-2", "K-2 SUMMIT", "GENIE", "DASCENTS", "ZOHAI", "SAGE", "SPICE", "KO KNOCKOUT 2", "SPICE GOLD", "SPICE DIAMOND", "YUCATAN FIRE", "SOLAR FLARE", "PEP SPICE", "FIRE N' ICE", "BLACK MAGIC SMOKE" and "SALVIA DIVINORUM."

Any product containing any of the chemical compounds set forth above shall be subject to the provisions of this section, regardless of whether they are marketed under alternative names.

Banned Smoking Product shall also include all tobacco herbs, incense spice, aromatherapy incense, aromatic substance, or any blend thereof that may not contain any chemical listed above but may cause sense of euphoria or any side effect that may alter mental state of person(s).

Finally, *Banned Smoking Product* shall include small weight scales, small plastic bags, and other similar products used in the sale or distribution of such products, when such products or the residue or traces of such products is also present.

(b) It shall be unlawful for any person(s) to use, possess, purchase, barter, give, publicly display, sell, or offer for sale within the city limits of Manchester, Georgia, any banned smoking product.

(c) Any person, firm, corporation or entity violating this section, as it exists or may be amended, upon conviction thereof, shall be fined a sum not exceeding \$1,000.00 (one thousand dollars) and may be sentenced up to 60 (sixty) days in jail. Conviction may also result in City revoking any person, firm, corporation or entity's privilege of operating a business within the city limits. Each continuing day's violation under this section shall constitute a separate offense.

(d) All provisions of any ordinance in conflict with this section are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinance shall remain in full force and effect.

(e) Should any section, subsection, sentence, clause or phrase of this section be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this section shall remain in full force and effect.


(f) This section shall become effective immediately upon its adoption.

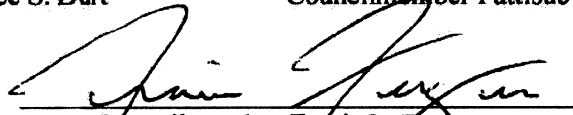
SO ADOPTED this 14th day of May, 2012, to be effective immediately,
the public health, safety, and general welfare demanding.

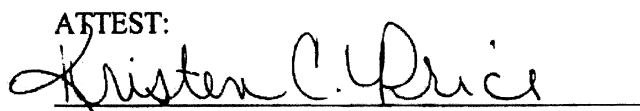

Mayor Anthony D. Clifton


Councilmember Solomon Ferguson


Mayor Pro Tem Bruce S. Burt


Councilmember Pattisue S. Elliott


Councilmember Travis L. Ferguson

ATTEST:

City Clerk Kristen C. Price

Attest: _____
Clerk